

### REMARKS / ARGUMENTS

The rejection of Claims 1, 4 and 5 as being anticipated based upon the Thönnessen et al. '350 patent under 35 U.S.C. § 102(b) is respectfully traversed. In addition, the rejection of Claims 6, 7 and 10 as being obvious and unpatentable based upon the Thönnessen et al. '350 patent under 35 U.S.C. § 103(a) is also respectfully traversed. Further, the rejection of Claims 6, 7 and 10 as being obvious and unpatentable based upon the Thönnessen et al. '350 patent in view of the Haugh '502 patent under 35 U.S.C. § 103(a) is again respectfully traversed.

Independent Claim 1, as amended, includes the subject matter of dependent Claims 3 and 6 in order to further distinguish over the prior art. Applicant's different claimed structure provides advantages not disclosed in the prior art references, e.g., the semi-circular bolster side cushion is maintained in an upstanding manner relative to the circular bottom cushion which forms a pet bed, all of which is not taught in the prior art. In the prior art, the bolster side cushion is not maintained in an upstanding manner relative to the main bottom cushion, because it is held by Velcro which can be inadvertently detached. As Amended Independent Claim 1 states "such that zipper member securely holds in place the bolster side cushion in a secure and upstanding manner relative to the bottom cushion and thereby forms an upstanding and raised headrest surface with respect to the bottom cushion for resting of a pet's head on the raised headrest surface."

In addition, the Thönnessen patent does not disclose or teach the use of a bolster side cushion being **semi-circular in shape**, and a bottom cushion being circular in shape to form a pet bed, as recited in Amended Independent Claim 1.

Further, the Examiner states that the hook and loop fasteners (VELCRO™) of Thönnessen is a functional equivalent of the zipper member of the claimed invention. In this case, the Velcro fasteners are not an equivalent of the zipper member of the claimed invention, because the hook and loop fasteners of Thönnessen can be separated, which allows the upper cushion to easily separate from the bolster cushion. Thus, Thönnessen, does not function in the same manner to provide an upstanding headrest which cannot be inadvertently detached. Further, Thönnessen does not teach that the two pillows are connected along their sides, as claimed by applicant.

The Thönnessen et al. '350 patent discloses a low flammability pillow that includes a nonwoven block and a nonwoven roll having separate outer coverings. The two rolls are easily detachably connected by means of a restick adhesive applied in a strip form or by hook-and-loop fasteners.

The Thönnessen et al. '350 patent does not disclose or teach the following elements of Currently Amended Independent Claim 1 as follows:

- a) a pet bed for pets;
- b) the bolster side cushion is semi-circular in shape;
- c) the bottom cushion is circular in shape and forms a pet bed;

d) zipper connecting means for removably connecting the side of its bottom cushion outer covering to the side of the bolster cushion outer covering for forming the bolstered pet bed; the zipper member being connected to both the bottom cushion outer covering and to the bolster cushion outer covering in an affixed and secure manner; the zipper member includes a first zipper strip element being fixedly attached to an outer side wall section of the bottom cushion outer covering and a second zipper strip element being fixedly attached to an inner side wall section of the bolster cushion outer covering; and

c) the zipper member is affixed to a side of the bottom cushion outer covering having the bottom cushion therein, and to a side of the bolster cushion outer covering having the bolster side cushion therein, such that the zipper member securely holds in place the bolster side cushion in a secure and upstanding manner relative to the bottom cushion and thereby forms an upstanding and raised headrest surface with respect to the bottom cushion for resting of a pet's head on the raised headrest surface.

1) The Thönnessen patent **does not** teach a bolster side cushion being semi-circular in shape, and a bottom cushion being circular in shape to form a pet bed for pets;

2) There is **no teaching** in the Thönnessen or Haugh patents that the separate outer coverings for the nonwoven block and the nonwoven roll are attached by a zipper member for firmly interlocking each of the separate outer coverings with each other on their sides, in order to form an upstanding and raised headrest surface for resting of a pet's head thereon. Thönnessen's connections of the restick adhesive strip or the hook-and-loop fastener would be easily separated by a dog or other pet, whereas the zipper member of the present

invention would not be easily separated and the outer coverings are firmly affixed and secured to each other in an upstanding manner that does not change position. The present invention's configuration and structure would be highly unlikely to separate by a pet when using the bolstered pet bed. Further, Thönnessen uses Velcro 14 to hold the roll 13 in place, but there is no teaching in Thönnessen's pillow of a zipper member having a first zipper strip element being fixedly attached to an outer side wall section of the bottom cushion outer covering and a second zipper strip element being fixedly attached to an inner side wall section of the bolster cushion outer covering in order to securely hold in place the nonwoven roll 13 in an upstanding manner relative to the nonwoven block, that does not change position.

Therefore, Claim 1 as amended is patentable and should be allowed.

The Haugh '502 patent discloses a pet bed having an outer covering, a removable cushion disposed within the outer covering to form a cushioned bottom portion, a bolster removably affixed to the interior bottom portion, and a bolster removably affixed to the interior of the outer covering and disposed about at least a portion of the perimeter of the bottom portion. The bottom cushion is detachably connected to the bolster cushion by means of hook-and-loop fasteners, ties or straps with buckles or straps which are easily separated.

The Haugh '502 patent does not disclose or teach the following elements of Currently Amended Independent Claim 1 as follows:

a) zipper connecting means for removably connecting the bottom cushion outer covering to the bolster cushion outer covering for forming the bolstered pet bed; the connecting means includes a zipper member connected to both the bottom cushion outer covering and to the bolster cushion outer covering in an affixed and secure manner; the zipper member includes a first zipper strip element being fixedly attached to an outer side wall section of the bottom cushion outer covering and a second zipper strip element being fixedly attached to an inner side wall section of the bolster cushion outer covering; and

b) the zipper member is affixed to a side of the bottom cushion outer covering having the bottom cushion therein, and to a side of the bolster cushion outer covering having the bolster side cushion therein, such that the zipper member securely holds in place the bolster side cushion in a secure and upstanding manner relative to the bottom cushion and thereby forms an upstanding and raised headrest surface with respect to the bottom cushion for resting of a pet's head on the raised headrest surface.

Neither of the prior art references to Thönnessen or Haugh teach or disclose the claimed first zipper strip element on the side of the bottom cushion outer covering or the claimed second zipper strip element on the side of the bolster cushion outer covering to provide the structural advantages claimed of an upstanding and raised headrest surface that is not inadvertently detachable for resting the pets' head on the raised headrest surface. Thus, even if these two references are combined, as suggested by the Examiner, they still do not teach the present invention, as claimed.

Therefore, Claim 1, as amended is patentable and should be allowed.

### CONCLUSION

Accordingly, even if the prior art references of Thönnessen et al. '350 and Haugh '502 are combined, they do not teach or disclose the claimed structure and advantages of Currently Amended Independent Claim 1 and the Claims which depend therefrom. Independent Claim 1, as amended, includes the subject matter of dependent Claims 3 and 6 in order to distinguish over the prior art. Applicant's different structure provides advantages not disclosed in the prior art references, i.e., the bolster side cushion is maintained in an upstanding manner relative to the main bottom cushion which is not taught in the prior art. In the prior art the bolster side cushion is not maintained in an upstanding manner relative to the main bottom cushion. As Amended Independent Claim 1 states "such that zipper member securely holds in place the bolster side cushion in a secure and upstanding manner relative to the bottom cushion and thereby forms an upstanding and raised headrest surface with respect to the bottom cushion for resting of a pet's head on the raised headrest surface."

In addition, the Thönnessen patent does not disclose or teach the use of a bolster side cushion being semi-circular in shape, and a bottom cushion being circular in shape to form a pet bed, as recited in Amended Independent Claim 1.

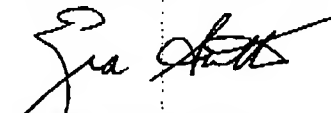
Further, the Examiner states that the hook and loop fasteners (VELCRO™) of Thönnessen is a functional equivalent of zipper member of the claimed invention. In this case, the Velcro™ fasteners are not an equivalent of the zipper member of the claimed invention, because the hook and loop fasteners do not function in the same manner to provide

an upstanding headrest. Further, Thönnessen does not teach that they are used to form an upstanding and raised headrest surface for resting of a pet's head thereon.

For these reasons, it is respectfully submitted that applicant's Claim 1 and 4 to 12 are now allowable.

Respectfully submitted,

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Enclosure  
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